

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DONALD PERRY,

Case No. 16-CV-0137 (PJS/HB)

Plaintiff,

v.

ORDER

BOSTON SCIENTIFIC FAMILY;
BOSTON SCIENTIFIC CORPORATION;
STEIN, M.D., Chief Medical Officer;
BOSTON SCIENTIFIC CARDIAC
RHYTHM MANAGEMENT et al.; and
any future and any past John Doe and
Jane Doe defendants in their official and
individual capacities or job positions,

Defendants.

Donald Perry, pro se.

Joseph M. Price, FAEGRE BAKER DANIELS LLP, for defendants.

This matter is before the Court on plaintiff Donald Perry's objection to the December 1, 2016 Report and Recommendation ("R&R") of Magistrate Judge Hildy Bowbeer.¹ Judge Bowbeer recommends granting defendants' motion to dismiss and

¹Perry styled his submission as "Belated Motion" and as "Plaintiff's Motion for Reconsideration and Motion for Clarification of Report and Recommendation on Established Federal Laws." ECF No. 55. But a review of Perry's submission makes clear that it is intended as an objection to the R&R, and the Court treats it as such. Moreover, the Court treats the objection as timely, although it is not clear that Perry met
(continued...)

denying several of Perry's motions. *See* ECF No. 53. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Based on that review, the Court agrees with Judge Bowbeer's careful and thorough analysis, adopts the R&R, and dismisses Perry's claims with prejudice because they are barred by the doctrine of res judicata.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Plaintiff's "Motion for Reconsideration and Motion for Clarification of Report and Recommendation on Established Federal Laws" [ECF No. 55] is OVERRULED.
2. The Report and Recommendation of December 1, 2016 [ECF No. 53] is ADOPTED.
3. Defendants' motion to dismiss [ECF No. 10] is GRANTED.
4. Plaintiff's complaint [ECF No. 1] is DISMISSED WITH PREJUDICE AND ON THE MERITS.
5. Plaintiff's "Timely Notice and Motions' for Properly Defaults Judgments' at This Time Only Against Boston Scientific Family and Boston Scientific

¹(...continued)
the deadline for objecting to the R&R.

Cardiac Rhythm Management, for Failing To Files Their Defendants' Notice of Removal in This Federal and Also Within the State Courts" [ECF No. 29] is DENIED.

6. Plaintiff's "Emergency Petition for Plaintiff's Affidavit in Opposition to Defendants' Motion To Dismiss Plaintiff's Complaint" [ECF No. 39] is DENIED AS MOOT.
7. Plaintiff's "Notice and Motion for This Federal Court To Take Judicial Notice and To Adopts the Plaintiff's Refutes, to Defendants' Four-Years Statute of Limitation for the Plaintiff's to File Lawsuit against above Defendants" [ECF No. 43] is DENIED AS MOOT.
8. Plaintiff's "Requests to Order the above Named Defendants' To Pays the Expenses to a Independent Private Eye-Specialists' to Proper Conducts an Physically Eyes Examination on the Plaintiff's Weaked Eyes?" [ECF No. 44] is DENIED AS MOOT.
9. Plaintiff's motion to "Stay This Action Pending the Resolution of His 'Plaintiff's Notice of Filing His Interlocutory Appeals to the U.S. Court of Appeals for the Eighth Circuit and all Other U.S. Appeals Courts'" [ECF No. 46] is DENIED.

10. Plaintiff's "Motion for an Order Compelling Discovery" [ECF No. 52] is
DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 4, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge